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February, 27, 1998

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

SERIAL # 08/993,564

U.S. Patent Application Serial No. TBA

**CHIMERIC EMBRYOS AND ANIMALS** 

**CONTAINING HUMAN CELLS** 

Filed: December 18, 1997 Our Reference No. 45010-00601

Dear Sir:

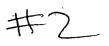
Submitted herewith is a Petition Under 37 C.F.R. 1.182 together with Check No. 80376 in the amount of \$130.00. The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account 03-2469.

Also enclosed please find a postcard indicating the documents being filed. Please datestamp the card indicating receipt of the attached papers and return it to us.

Respectfully Submitted,

PATRICK J. COYNE, Reg. No. 31,821 GLENN T. BARRETT, Reg. No. 38,705

Enclosures





UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application of:

STUART A. NEWMAN

Serial No.:

**TBA** 

Filed:

**December 18, 1997** 

For:

CHIMERIC EMBRYOS AND ANIMALS CONTAINING HUMAN

**CELLS** 

Atty. Docket #:

45010-00601

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

## Petition Under 37 C.F.R. 1.182

Applicant respectfully requests, under the provisions of 37 C.F.R. 1.182, a clarification of policy from the Commissioner of Patents and Trademarks regarding the patentability of cloned or genetically modified human embryos. Recent news reports suggest that individuals are currently attempting to patent cloned or genetically modified human embryos. Applicant is concerned and respectfully requests a verification of the patentability of cloned or genetically modified human embryos.

Statements made in 1987 by Commissioner Quigg suggest that individual human components, if genetically modified, are patentable subject matter. Concurrently, Commissioner Quigg stated that human beings are not patentable subject matter. The question remains open as to the patentability of genetically modified human embryos, which may not fit into either category. Embryos are not considered "human beings" at this stage of development, nor can they

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be considered "individual human components," as they have the potential to become a human

being.

The ability of an inventor to claim intellectual property rights in a cloned or genetically

modified human embryo raises significant legal and moral questions. Applicant files this petition

under 37 C.F.R. 1.182 to seek guidance from the Commissioner with respect to this issue. If the

Commissioner feels it is more appropriate, Applicant respectfully requests that this petition be

considered under 37 C.F.R. 1.291, relative to any application by Dr. Ian Wilmut (possibly

assigned to the Roslin Institute and/or PPL Therapeutics), that may be pending in the U.S. PTO.

**Conclusion** 

Applicant respectfully requests that the Commissioner clarify Patent and Trademark Office

policy on the patentability of cloned or genetically modified human embryos.

Respectfully submitted,

Dated: February 25, 1998

PATRICK J. COXNE, Registration No. 31,821

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